

**EXHIBIT 2**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BARRY LINTON,

Plaintiff

v.

NEW YORK LIFE INSURANCE AND ANNUITY  
CORPORATION,

Defendant.

C.A. No. 04-11362-RWZ

To Attorney for Defendant  
Levina Wong, Esq.  
Ropes & Gray  
One International Place  
Boston, MA 02110-2624

NOTICE OF TAKING DEPOSITION OF PAUL E. REDFEARN

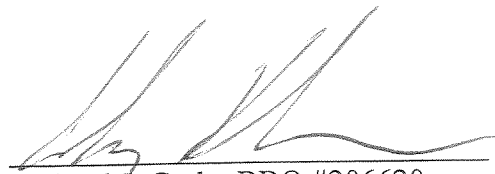
Please take notice that pursuant to the provisions of Rule 45 of the Federal Rules of Civil Procedure, plaintiff will take the deposition upon oral examination of a nonparty, Paul E. Redfearn, at the office of Looney & Grossman LLP, 101 Arch Street, 9<sup>th</sup> Floor, Boston, Massachusetts, on the 7<sup>th</sup> day of January, 2005 at 10:00 AM, before a notary public or other officer authorized to administer oaths, and said nonparting deponent is required to consent to testify regarding matters specified below, and through such testimony provide all relevant information regarding such specified matters known or reasonably available to said nonparting deponent. The subject matter of which defendant will be examined will be:

1. All matters concerning researching investment companies that would allow Barry Linton to employ his investment strategy; and
2. Paul Redfearns relationship with the defendant.

The examination by oral deposition will continue from day to day until completed. You are invited to attend and cross-examine.

Dated: December 23, 2004

Respectfully submitted:



Richard J. Grahn BBO #206620  
P. Andy Henderson, Jr. BBO#655891  
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